

REMARKS

Claims 1-22, as amended, are pending herein.

Applicant gratefully acknowledges the interview afforded by the Examiner to discuss a proposed amendment to claim 1, a minor amendment to claim 14 for clarity, and the relevance of the cited prior art.

As a consequence of the interview, claim 1 has been amended to specify that the flow director defines the opening in the tubular member “at a raised elevation relative to a surface of the side of said tubular member”. In Fig. 2, the ramp 24 raises the opening above the base 20 of the tubular member. In Fig. 7, the channel 13 raises the opening above the bottom surface of the members. It is the applicant’s understanding that as amended, the claims define over the cited reference to Lofley et al (WO 90/13280).

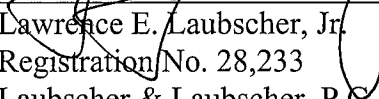
In the claimed invention, the flow director is designed to direct urine past the opening. The examiner contends that Lofley teaches a urine deflector lug 102. As pointed out at the interview, this deflector of Lofley is designed to direct urine toward the opening of the collection device into the sample container 17 which is contrary to applicant’s invention. The examiner stated that the gate valve 101 of Lofley could serve as a flow director so that when the valve is closed, urine is directed past the opening. It was agreed however, that the gate valve 101 is below the opening. In the claimed invention, the elevation of the opening relative to the base of the tubular member results in the initial urine stream being diverted beyond the opening. As the stream intensifies and the volume of the urine increases, the urine rise and a mid-stream portion thereof “overflows” the opening and enters the sample collector. No valves are needed. Lofley

For all the foregoing reasons, Lofley does not disclose every recitation in claim 1 and thus does not comprise an anticipatory reference. Gordon does not disclose or suggest any elevated opening structure to satisfy the shortcomings of Lofley.

Accordingly, reconsideration and withdrawal of the all grounds of rejection and allowance of all claims 1-22 is courteously requested.

Respectfully submitted,

September 24, 2007


Lawrence E. Laubscher, Jr.
Registration No. 28,233
Laubscher & Laubscher, P.C.
1160 Spa Road, Suite 2B
Annapolis, MD 21403
Telephone: (410) 280-6608

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence consisting of 7 pages (including cover) is being transmitted to the U.S. Patent and Trademark Office electronically via EFS-Web on September 24, 2007.

Marianne Smith

7

Signature: 